

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-6700 Facsimile: (702) 678-6767

1 KAREN A. CONNOLLY
Nevada Bar No. 4240
2 **KAREN A. CONNOLLY, LTD.**
6600 W. Charleston Blvd., Ste. 124
3 Las Vegas, NV 89146
Telephone: (702) 678-6700
4 Facsimile: (702) 678-6767
E-Mail: advocate@kconnollylawyers.com
5 *Attorney for Jan Rouven Fuechtener*

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 vs.

11 JAN ROUVEN FUECHTENER,

12 Defendant.

CASE NO.: 2:16-CR-100-GMN-CWH

**RESPONSE TO SUPPLEMENTAL
AUTHORITY FOR PRESENTENCE
RESTRAINT OF SALE PROCEEDS**

13 Defendant herein, JAN ROUVEN FUECHTENER, by and through his attorney of record,
14 KAREN A. CONNOLLY, of the law office of KAREN A. CONNOLLY, LTD., hereby files this
15 response to the government's Supplemental Authority for Presentence Restraint of Sale Proceeds
16 filed May 30, 2017.

17 **ARGUMENT**

18 The court directed the government to provide the court with additional information in
19 justification for its request to restrain/freeze funds for the sale of 7080 Donald Nelson Avenue, Las
20 Vegas NV 89131 a property held in trust¹, beyond \$80,300 already authorized by the court. In the
21 Supplemental Authority for Restraint of Sale Proceeds, in regard to identification of victims the
22 government indicates that there are 14 identifiable victims. In the plea agreement defendant agreed
23 to pay \$5,000 to each identified victim. This amounts to \$70,000. Defendant already agree to the
24 amount of \$80,300 being restrained/frozen as ordered by this court.

25 _____
26 ¹ The government has accused defendant of being less than forthright about the nature
27 of the trust and extent of his business holdings and assets. Defendant was successful
28 entertainer. As he has advised, his business manger and husband Frank Alfter
handled their financial affairs.

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1 The government was asked to indicate the amount of fine it would be requesting. This court
2 should be aware that under the terms of the guilty plea, taking into consideration the applicable
3 sentencing guidelines, unless a substantial, generous, downward variance is granted by the court,
4 defendant is spending the rest of his life in prison. Under such circumstances, it is highly unlikely
5 that the court would impose a monetary sanction beyond ordering restitution to identified victims.
6 Additionally, the government intends to seek the maximum available fine; however, the government
7 fails to state the amount of fine it will seek.

8 Next the government was asked to address the ability of the government and the court to seize
9 assets of defendant in the event that he was permitted to withdraw his plea. The court indicated that
10 if successful, defendant would be cloaked in the presumption of innocence and wanted to know
11 under what authority the government would have a right to seize his assets. In its response, the
12 government focuses on the reasons why it believes defendant will not be permitted to withdraw his
13 plea, even though he has not filed a motion to withdraw his plea. The government acknowledges that
14 it does not know of any authority that would permit the government or the court to restrain/seize
15 defendant's assets in the event he moves to and is permitted to withdraw his guilty plea.

16 Additionally, as discussed previously, the funds in question do not belong entirely to
17 defendant. He has a spouse Frank Alfter who has an interest in those funds. Mr. Alfter has not even
18 been provided with notice of the government's attempts to seize his property.

19 Accordingly, the government has provided no legal authority or reason for the court to modify
20 its original order.

21 DATED this 31st day of May, 2017.

22
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24 
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 31st day of May, 2017, I served a true and correct copy of the above and foregoing *Substitution of Attorneys* via the CM/ECF system upon the following:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Cristina D. Silva, United States Attorney
Daniel D. Hollingsworth, United States Attorney
Elham Roohani, United States Attorney
Lisa Cartier-Giroux, United States Attorney
Mark E. Woolf, United States Attorney



an Employee of KAREN A. CONNOLLY, LTD.

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